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HOUSE BILL 634

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO TELECOMMUNICATIONS; ENACTING A NEW SECTION OF THE
NEW MEXICO TELECOMMUNICATIONS ACT CONCERNING GRANTS OF ACCESS
TO TELECOMMUNICATIONS COMPANIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the New Mexico

Telecommunications Act is enacted to read:

"NEW MATERIAL GRANTS OF ACCESS. --

A. A telecommunications company shall not be
required to accept an order for telecommunications service on
private, public or Native American land unless the owner,
federal or state agency, Native American nation, tribe or
pueblo or other person with jurisdiction over the land provides
the telecommunications company with rights of way, permits,
easements, licenses and other grants necessary for the

underscored material = new
[bracketed material] = del ete

1 telecommunications company to access the land.

2 B. The commission shall not impose penalties on or
3 take adverse action against a telecommunications company for a
4 delay in installing telecommunications facilities or providing
5 telecommunications service if the telecommunications company
6 demonstrates to the commission that:

7 (1) the sole reason for the delay is the
8 telecommunications company's inability to obtain rights of way,
9 permits, easements, licenses or other grants for access
10 necessary to the installation of the facilities or the
11 provision of the service; and

12 (2) the telecommunications company has made
13 good faith efforts to obtain the necessary rights of way,
14 permits, easements, licenses or other grants for access. "